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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,564	07/19/1999	TOSHIO NORITA	030682-086	7986
21839	7590	07/19/2004	EXAMINER	
BURNS DOANE SWECKER & MATHIS L L P			TRAN, NHAN T	
POST OFFICE BOX 1404			ART UNIT	
ALEXANDRIA, VA 22313-1404			PAPER NUMBER	
			2615	13

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/356,564

Applicant(s)

NORITA ET AL.

Examiner

Nhan T. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 24, 25 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18, 19, 24, 25, 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see paper No. 11, filed 6/14/2004, with respect to claims 18, 19, 24, 25 and 30-33 have been fully considered and are persuasive. The finality of the rejection of above claims is withdrawn.

Upon further consideration, claims 32 and 33 are rejected based on a new ground of rejection as set forth below.

### ***Claim Objections***

2. Claim 18 is objected to because of the reason set forth: the claim recites the limitation "said second pattern." in the last line of the claim. It is unclear that whether "said second pattern" is directly related to "said second pixel pattern." If it is, the Applicant is suggested to change "said second pattern" into --said second pixel pattern--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32 & 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Suga et al (US 5,363,137).

Regarding claim 32, Suga discloses a digital camera (col. 3, lines 29-31) comprising:  
an image sensor (5) for converting a subject image into an electric signal, the image sensor being capable of randomly selecting pixels-to-be-read (see col. 3, lines 25-29 and col. 5, lines 15-17, wherein any desire line (pixels) in vertical direction is selected to be read);

a pattern selector (vertical scanning decoder) for selecting a first pixel pattern (all pixels of the image sensor) in accordance with a recording operation (still image recording) to record a captured image in a recording medium (7 or 15), the pattern selector further selecting a second pixel pattern (Fig. 10) in accordance with autofocusing operation on the basis of the captured image; and a control circuit for selecting pixels-to-be-read from all pixels of the image sensor in accordance with the selected pattern, to read out the selected pixels, wherein a part of the second pixel pattern (i.e., distance measuring frame) has the same pixel density as the first pixel pattern. See col. 3, lines 18-56 and col. 6, line 58 – col. 7, line 13. It is clear that the distance measuring frame has the same pixel **density** as the first pixel pattern for still image recording.

Regarding claim 33, see the analysis of claim 32.

*Allowable Subject Matter*

4. Claims 18, 19, 24, 25, 30 and 31 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent claims 18 and 24, the prior art of record fails to teach or fairly suggest the combination of limitations as required in claim 18, including the limitations "said image sensor being capable of randomly selecting one or more pixels to be read-out from said plurality of pixels;... said second pixel pattern has a predetermined area having a **higher density of pixels-to-be-read** than the other areas of said second [ ] pattern." Claim 24 is allowed as being a method claim of the apparatus claim 18.

Regarding independent claims 30 & 31, the prior art of record also fails to teach or fairly suggest the combination of limitations as required in claim 30, including the limitations "said image sensor being capable of randomly selecting pixels-to-be-read;... **said pattern selector further selecting a third pixel pattern having a smaller number of pixels-to-be-read than said second pixel pattern in accordance with a display operation to display said captured image.**" Claim 31 is allowed as being a method claim of the apparatus claim 30.

Regarding claims 19 & 25, the claims are allowed as being dependent of claims 18 and 24, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

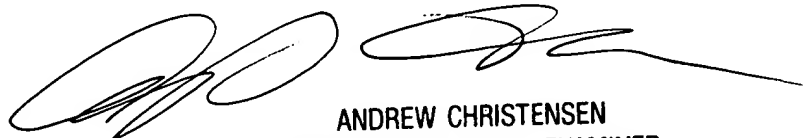
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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